

SF 2188 (LSB 5086SV ([47](#)) 86)

SENATE FILE 2188

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 2075)

(As Amended and Passed by the Senate 2016-04-07)

## **A BILL FOR**

An Act relating to prescription authority for certain psychologists and making penalties applicable.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Compare

Section 1. Section 123.3, subsection 35, Code 2016, is amended to read as follows:

35. "Pharmacy" means a drug store in which drugs and medicines are exposed for sale and sold at retail, or in which prescriptions of licensed physicians and surgeons, dentists, prescribing psychologists, or veterinarians are compounded and sold by a registered pharmacist.

Sec. 2. Section 124.101, subsection 26, paragraph a, Code 2016, is amended to read as follows:

a. A physician, dentist, podiatric physician, prescribing psychologist, veterinarian, scientific investigator or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

Sec. 3. Section 147.107, subsections 1 and 2, Code 2016, are amended to read as follows:

1. A person, other than a pharmacist, physician, dentist, podiatric physician, prescribing psychologist, or veterinarian who dispenses as an incident to the practice of the practitioner's profession, shall not dispense prescription drugs or controlled substances.

2. a. A pharmacist, physician, dentist, ~~or~~ podiatric physician, or prescribing psychologist who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the dispensing is determined by the pharmacist or practitioner in the pharmacist's or practitioner's physical presence. However, the physical presence requirement does not apply when a pharmacist or practitioner is utilizing an automated dispensing system or when a pharmacist is utilizing a tech-check-tech program, as defined in section 155A.3. When using an automated dispensing system the pharmacist or practitioner shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. When using a tech-check-tech program the pharmacist shall utilize an internal quality control assurance plan, in accordance with rules adopted by the board of pharmacy, that ensures accuracy for dispensing. Verification of automated dispensing and tech-check-tech accuracy and completeness remains the responsibility of the pharmacist or practitioner and shall be determined in accordance with rules adopted by the board of pharmacy, the board of medicine, the dental board, ~~and~~ the board of podiatry, and the board of psychology for their respective licensees.

b. A dentist, physician, ~~or~~ podiatric physician, or prescribing psychologist who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall report the fact that they dispense prescription drugs with the practitioner's respective board at least biennially.

c. A physician, dentist, ~~or~~ podiatric physician, or prescribing psychologist who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall offer to provide the patient with a written prescription that may be dispensed from a pharmacy of the patient's choice or offer to transmit the prescription orally, electronically, or by facsimile in accordance with section 155A.27 to a pharmacy of the patient's choice.

Sec. 4. **NEW SECTION. 148.13A Board authority over physicians supervising certain psychologists.**

The board of medicine shall, in consultation with the board of psychology, establish by rule ~~specific~~ all of the following:

1. Specific minimum standards for the appropriate supervision of a psychologist prescribing medication pursuant to a conditional prescription certificate under chapter 154B. Such standards shall include requiring a physician serving as a supervising licensed physician to notify the board of medicine of the identity of the psychologist the physician is supervising and any

change in the status of the supervisory relationship.

2. The process for initiating and conducting disciplinary proceedings under chapter 17A if a licensed physician fails to adequately supervise a psychologist prescribing psychotropic medications pursuant to a prescription certificate under chapter 154B. The rule shall take into account the deliberations of the board in making such a determination.

Sec. 5. Section 154B.1, Code 2016, is amended to read as follows:

**154B.1 Definition Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of psychology created under chapter 147.

2. "Collaborative practice agreement" means a written agreement between a prescribing psychologist and a licensed physician that establishes clinical protocols, practice guidelines, and care plans relevant to the scope of the collaborative practice. The practice guidelines may include limitations on the prescribing of psychotropic medications by psychologists and protocols for prescribing to special populations including patients who are less than seventeen years of age or over sixty-five years of age, patients who are pregnant, and patients with serious medical conditions including but not limited to heart disease, cancer, stroke, seizures, and patients with developmental disabilities and intellectual disabilities.

3. "Collaborative relationship" means a cooperative working relationship between a prescribing psychologist or a psychologist with a conditional prescription certificate and a licensed physician in the provision of patient care, including diagnosis and cooperation in the management and delivery of physical and mental health care.

4. "Conditional prescription certificate" means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication under the supervision of a licensed physician pursuant to this chapter.

5. "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking, and emotional relations to problems of behavior adjustment, group relations, and behavior modification, by persons trained in psychology for compensation or other personal gain. The application of principles includes, but is not limited to: Counseling and the use of psychological remedial measures with persons, in groups or individually, with adjustment or emotional problems in the areas of work, family, school, and personal relationships; measuring and testing personality, intelligence, aptitudes, public opinion, attitudes, and skills; and the teaching of such subject matter, and the conducting of research on the problems relating to human behavior.

6. "Prescribing psychologist" means a licensed psychologist who holds a valid prescription certificate.

7. "Prescription certificate" means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication pursuant to this chapter.

8. "Psychotropic medication" means a controlled substance or dangerous drug that shall not be dispensed or administered without a prescription and that has been approved by the federal food and drug administration for the treatment of mental disorders, as defined by the most current diagnostic and statistical manual of mental disorders published by the American psychiatric association or the most current version of the international classification of diseases, and that is listed as a psychotherapeutic agent in the American hospital formulary service.

"Psychotropic medication" does not include narcotics.

Sec. 6. **NEW SECTION. 154B.9 Drugs ---- medicine.**

1. Except as provided in subsections 2 and 3, a psychologist shall not administer or prescribe drugs or medicine.

2. A licensed psychologist holding a conditional prescription certificate may prescribe psychotropic medication under the supervision of a licensed physician pursuant to this chapter.

3. A prescribing psychologist may prescribe psychotropic medication pursuant to this chapter.

Sec. 7. NEW SECTION. 154B.10 Conditional prescription certificate.

1. An applicant for a conditional prescription certificate shall be granted a certificate by the board if the applicant satisfies all of the following requirements:

- a. Holds a current license to practice psychology in this state.
- b. Completed pharmacological training from an institution approved by the board or from a provider of continuing education approved by the board.
- c. Passed a national certification examination approved by the board that tested the applicant's knowledge of pharmacology in the diagnosis, care, and treatment of mental disorders.

d. Within five years immediately preceding the date of application, successfully completed ~~an organized program of education consisting of intensive didactic instruction of no fewer than four hundred fifty classroom hours in at least the following core areas of instruction:~~

- ~~—(1) Neuroscience.~~
- ~~—(2) Pharmacology.~~
- ~~—(3) Psychopharmacology.~~
- ~~—(4) Physiology.~~
- ~~—(5) Appropriate~~ a post-doctoral master of science degree in clinical psychopharmacology approved by the board of psychology. The program shall at a minimum include coursework in neuroscience, pharmacology, psychopharmacology, physiology, and appropriate and relevant physical and laboratory ~~assessment~~ assessments.

e. Within five years immediately preceding the date of application, has been certified by the applicant's supervising physician as having successfully completed a supervised and relevant clinical experience of no less than an eighty-hour practicum in clinical assessment and pathophysiology and an additional supervised practicum of at least four hundred hours treating no fewer than one hundred patients with mental disorders. The practica shall have been supervised by a trained physician. The board shall determine whether the practica is sufficient to competently train the applicant in the treatment of a diverse patient population.

f. Possesses malpractice insurance that will cover the applicant during the period the conditional prescription certificate is in effect.

g. Meets all other requirements, as determined by rules adopted by the board, for obtaining a conditional prescription certificate.

2. A conditional prescription certificate is valid for four years, at the end of which the holder may apply again pursuant to the provisions of subsection 1.

3. A psychologist with a conditional prescription certificate may prescribe psychotropic medication under the supervision of a licensed physician subject to all of the following conditions:

a. The psychologist shall continue to hold a current license to practice psychology in this state and continue to maintain malpractice insurance.

b. The psychologist shall inform the board of the name of the physician under whose supervision the psychologist will prescribe psychotropic medication and promptly inform the board of any change of the supervising physician.

c. A physician supervising a psychologist prescribing psychotropic medication pursuant to a conditional prescription certificate shall be subject to disciplinary action pursuant to section 148.13A for the acts and omissions of the psychologist while under the physician's supervision. This provision does not relieve the psychologist from liability for the psychologist's acts and omissions.

Sec. 8. NEW SECTION. 154B.11 Prescription certificate.

1. An applicant for a prescription certificate shall be granted a certificate by the board if the applicant satisfies all of the following requirements:

a. Possesses a conditional prescription certificate and has successfully completed two years of prescribing psychotropic medication as certified by the

supervising licensed physician. An applicant for a prescription certificate who specializes in the psychological care of children, elderly persons, or persons with comorbid psychological conditions shall complete at least one year prescribing psychotropic medications to such populations as certified by the supervising licensed physician.

b. Holds a current license to practice psychology in this state.

c. Possesses malpractice insurance that will cover the applicant as a prescribing psychologist.

d. Meets all other requirements, as determined by rules adopted by the board, for obtaining a prescription certificate.

2. A psychologist with a prescription certificate may prescribe psychotropic medication pursuant to the provisions of this chapter subject to the following conditions:

a. The psychologist continues to hold a current license to practice psychology in this state and maintains malpractice insurance.

b. The psychologist annually satisfies the continuing education requirements for prescribing psychologists, as determined by the board, which shall be no fewer than twenty hours each year.

c. The psychologist has entered into a collaborative practice agreement with a licensed physician.

**Sec. 9. NEW SECTION. 154B.12 Prescribing practices.**

1. A prescribing psychologist or a psychologist with a conditional prescription certificate may administer and prescribe psychotropic medication within the scope of the psychologist's profession, including the ordering and review of laboratory tests in conjunction with the prescription, for the treatment of mental disorders.

2. When prescribing psychotropic medication for a patient, the prescribing psychologist or the psychologist with a conditional prescription certificate shall maintain an ongoing collaborative relationship with the licensed physician who oversees the patient's general medical care to ensure that necessary medical examinations are conducted, the psychotropic medication is appropriate for the patient's medical condition, and significant changes in the patient's medical or psychological condition are discussed.

3. A prescription written by a prescribing psychologist or a psychologist with a conditional prescription certificate shall meet all of the following requirements:

a. Comply with applicable state and federal laws.

b. Be identified as issued by the psychologist as "psychologist certified to prescribe".

c. Include the psychologist's board-assigned identification number.

4. A prescribing psychologist or a psychologist with a conditional prescription certificate shall not delegate prescriptive authority to any other person. Records of all prescriptions shall be maintained in patient records.

5. When authorized to prescribe controlled substances, a prescribing psychologist or a psychologist with a conditional prescription certificate shall file with the board in a timely manner all individual federal drug enforcement agency registration and numbers. The board shall maintain current records on every psychologist, including federal registration and numbers.

**Sec. 10. NEW SECTION. 154B.13 Board duties regarding prescription certificates and conditional prescription certificates.**

1. The board shall ~~adopt rules providing for the procedures, in consultation with the board of medicine, adopt rules to carry out the provisions of this chapter relating to prescribing psychologists. The rules shall include but not be limited to all of the following:~~

a. Procedures to obtain a conditional prescription certificate, a prescription certificate, and a renewal of a prescription certificate. The board may set reasonable application and renewal fees.

~~2. The board shall adopt rules establishing the grounds for~~ b. Grounds for the  
denial, suspension, or revocation of a conditional  
prescription ~~certificates~~ certificate and a prescription ~~certificates~~ certificate,  
including a provision for suspension or revocation of a license to practice  
psychology upon ~~the suspension or revocation of a~~ conditional prescription  
certificate and a prescription certificate.

~~3.c. The board shall provide to the board of pharmacy~~ provision of an annual  
list of ~~prescribing~~ psychologists with prescription certificates and psychologists  
with conditional prescription certificates that contains the information  
agreed ~~upon to~~ between the board and the board of ~~pharmacy~~ medicine. The board shall  
promptly notify the board of ~~pharmacy~~ medicine of psychologists who are added to  
or removed from the list.—

~~4. The board shall adopt~~ d. Any other rules ~~as necessary to administer~~ for the  
administration of this chapter.

~~5. The board shall consult with the board of medicine in developing rules to~~  
~~carry out this chapter~~ 2. The board shall appoint a prescribing psychologist rules  
subcommittee comprised of a psychologist appointed by the board, a physician  
appointed by the board of medicine, and a member of the public appointed by the  
director of public health to develop rules for consideration by the board pursuant  
to this section.

Sec. 11. Section 155A.3, subsection 35, Code 2016, is amended to read as  
follows:

35. "Practitioner" means a physician, dentist, podiatric  
physician, prescribing psychologist, veterinarian, or other person licensed or  
registered to distribute or dispense a prescription drug or device in the course  
of professional practice in this state or a person licensed by another state in  
a health field in which, under Iowa law, licensees in this state may legally  
prescribe drugs.

Sec. 12. Section 155A.23, subsection 1, paragraph c, Code 2016, is amended  
to read as follows:

c. For the purpose of obtaining a prescription drug or device, falsely assuming  
the title of or claiming to be a manufacturer, wholesaler, pharmacist, pharmacy  
owner, physician, dentist, podiatric physician, prescribing psychologist,  
veterinarian, or other authorized person.

Sec. 13. Section 155A.24, subsection 14, Code 2016, is amended to read as  
follows:

14. This section does not prevent a licensed practitioner of medicine,  
dentistry, podiatry, nursing, psychology, veterinary medicine, optometry, or  
pharmacy from acts necessary in the ethical and legal performance of the  
practitioner's profession.

#### EXPLANATION

~~The inclusion of this explanation does not constitute agreement with~~  
~~the explanation's substance by the members of the general assembly.~~

~~—This bill grants prescription authority to certain licensed psychologists under~~  
~~Code chapter 154B.—~~

~~—The bill adds definitions of "board", "collaborative practice agreement",~~  
~~"collaborative relationship", "conditional prescription certificate",~~  
~~"prescribing psychologist", "prescription certificate", and "psychotropic~~  
~~medication" to the Code chapter.—~~

~~—The bill allows a licensed psychologist holding a conditional prescription~~  
~~certificate and a prescribing psychologist, defined as a licensed psychologist who~~  
~~holds a valid prescription certificate, to prescribe psychotropic medication.—~~  
~~However, the psychologist holding a conditional prescription certificate may only~~  
~~prescribe psychotropic medication under the supervision of a licensed physician.—~~

~~—The bill sets the requirements for a psychologist to obtain a conditional~~

~~prescription certificate or a prescription certificate. A conditional prescription certificate is valid for four years and a psychologist may reapply for the certificate. To receive a prescription certificate, a psychologist must complete two years of prescribing psychotropic medication as supervised by a licensed physician and an applicant who specializes in the psychological care of children, elderly persons, or persons with comorbid psychological conditions shall have at least one year prescribing psychotropic medications to such populations. A psychologist with a prescription certificate may prescribe psychotropic medication under the provisions of the bill subject to certain conditions including that the psychologist has entered into a collaborative practice agreement with a licensed physician. The licensed physician may be subject to disciplinary action for the acts and omissions of the psychologist under the physician's supervision. A psychologist must maintain licensure as a psychologist and malpractice insurance to retain the prescription certificate or the conditional prescription certificate.~~

~~—The bill provides that a prescribing psychologist or psychologist with a conditional prescription certificate may administer and prescribe psychotropic medication within the scope of the person's profession. The prescribing psychologist or psychologist with a conditional prescription certificate must maintain a relationship with the patient's licensed physician when prescribing psychotropic medication for the patient.~~

~~—The bill states that a prescription written by a prescribing psychologist or a psychologist with a conditional prescription certificate must comply with state and federal law, be identified as issued by a "psychologist certified to prescribe", and include the psychologist's board assigned identification number. A prescribing psychologist or psychologist with a conditional prescription certificate may not delegate the prescriptive authority to any other person, and records of the prescriptions must be maintained in the patient's records. The prescribing psychologist or psychologist with a conditional prescription certificate must also file federal drug enforcement agency registrations and numbers with the board.~~

~~—The bill instructs the board of medicine, in consultation with the board of psychology, to establish by rule minimum standards for the appropriate supervision of a psychologist prescribing medication pursuant to a conditional prescription certificate.~~

~~—The bill instructs the board of psychology in consultation with the board of medicine to adopt rules providing for the procedures for obtaining a conditional prescription certificate, a prescription certificate, and a renewal of a prescription certificate; setting reasonable application and renewal fees; and regarding the denial, suspension, or revocation of conditional prescription certificates and prescription certificates. The board must provide the board of pharmacy with an annual list of prescribing psychologists and psychologists with conditional prescription certificates and promptly notify the board of pharmacy of psychologists who are added to or removed from the list.~~

~~—A prescribing psychologist may be subject to criminal and civil penalties and licensing sanctions under Code chapters 124, 147, 154B, and 155A.~~

~~—The bill makes conforming changes in Code chapters 123, 124, 147, and 155A.~~

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